



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 11

In re Application of
Pierre Farley *et al*
Application No. 08/811,925
Filed: March 5, 1997
Attorney Docket No. 12730-2-US-M

DECISION ON PETITION

This is a decision on the petition filed on March 8, 2004 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated October 1, 1997. The petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the failure to file a reply to the Office letter in question was a result of the failure of petitioners to receive the Office letter. In support of that allegation, petitioners have made a showing pursuant to the Notice published at 1156 OG 53 with respect to establishing nonreceipt of Office correspondence. This Notice is also discussed in MPEP 711.03(c). Petitioners have also filed a terminal disclaimer.

A review of the file shows that the correspondence address of record differs somewhat from the requested correspondence address as set forth on the 37 CFR 1.63 declaration that was originally filed with the application. Therefore, petitioners are entitled to the relief requested by reason of the fact that the Office letter in question was not correctly addressed. It is noted that petitioners' showing of nonreceipt of Office correspondence is also sufficient to establish that they did not receive the Office letter in question. Petitioners are also advised that the terminal disclaimer submitted with the petition is not necessary, and has not been entered.

As this application is not in fact abandoned, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 for remailing a complete copy of the Office letter dated October 1, 1997, together with all attachments thereto including references. **Prior to mailing**, the PALM correspondence address must be changed to agree exactly with the address as reproduced at the bottom of this Decision. The period for reply to the remailed Office action will run THREE MONTHS from the date upon which the action is remailed, and can be extended up to the statutory maximum of six months under the provisions of 37 CFR 1.136(a).

Petitioners should note that the correspondence address of record, per the original declaration, varies slightly from that set forth on their petition. Should a correction be deemed necessary, petitioners must file a request for change of correspondence address. Note also that this application is pending in Art Unit 3711.

PETITION GRANTED.

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VIA AIR MAIL